

REMARKS

Reconsideration of the present application is requested. Claims 9, 11, and 53-55 have been amended. Claims 9 and 11 have been amended to correct a minor typographical error. The amendments to claims 53-55 will be discussed in more detail below.

Applicant appreciates the Examiner's time in conducting an interview with Applicant's Representative (hereinafter "Applicant") on May 15, 2008 and again on May 19, 2008. During these relatively short telephone discussions, Applicant requested clarification of the current rejection under 35 U.S.C. § 101. In response, the Examiner clarified that the rejections were based on the fact that the claims did not include sufficient hardware so as to render them statutory under 35 U.S.C. § 101.

Applicant also requested that the Examiner provide suggestions for amending claims 53-55 to overcome the current rejections. In response, the Examiner indicated that amending claim 55 to recite, "A computer program embodied on a computer-readable storage medium of a Personal Digital Assistant (PDA)," would suffice to render claim 55 statutory under 35 U.S.C. § 101.

With respect to claims 53 and 54, the Examiner suggested amending the pre-amble of claims 53 and 54 to recite, "A hardware method." Applicants countered by proposing to amend the pre-amble of claims 53 and 54 to recite "A method of operating an IP phone system." In response to Applicant's

counter-proposal, the Examiner suggested amending the pre-amble of claims 53 and 54 to recite "A method of operating a hardware-based IP phone system."

At the conclusion of the Interview, Applicant and the Examiner agreed that amending claims 53 and 54 in this manner would be sufficient to overcome the current rejection under 35 U.S.C. § 101, and put the claims in condition for allowance. The Examiner further indicated that the amendments made herein would not raise new issues requiring further consideration or search. Consequently, **Applicant requests entry of this Amendment After Final.**

The Examiner also indicated that the amendments made herein are sufficiently supported by the specification. To be sure, support amended claim 55 may be found, for example, on p. 7, l. 19 – p. 9, l. 9. Support for amendments to claim 53 may be found, for example, on page 2, lines 22-36; page 3, line 25 – page 5, line 6; and page 7, line 19 – page 9, line 9 of Applicant's Specification. Support for amendments to claim 54 may be found, for example, in page 2, lines 22-36; page 3, line 25 – page 5, line 6; page 7, line 19 – page 7, line 36; and page 9, line 12 – page 10, line 2 of Applicant's Specification. No new matter has been added.

Because Applicant has amended claims 53-55 as agreed upon during the above-discussed interview, these claims – and all claims dependent therefrom – are believed to be in condition for allowance.

Claims 16-18, 21, 22, and 25-43 are allowed.

REJECTIONS UNDER 35 U.S.C. § 101

The Examiner rejects claims 3-5, 9, 11-15, 45-51, and 53-55 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. As discussed above, Applicants have amended claims 53-55 as suggested by the Examiner to overcome this rejection. In more detail, Applicants have amended claims 53-55 to include the requisite "tangible hardware," required by the Examiner. Because claims 53-55 are now statutory under 35 U.S.C. § 101, claims 3-5, 9, 11-15, and 45-51 are also statutory. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 3-5, 9, 11-18, 21-22, 25-43, 45-51 and 53-55 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), applicant hereby petitions for a one(1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

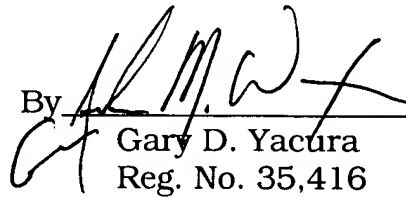
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Andrew M. Waxman, Reg. No. 56,007, at the number of the undersigned listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By

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GDY/AMW:krm

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